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**From:** Ramanauskas, Peter [ramanauskas.peter@epa.gov]  
**Sent:** 12/19/2018 2:26:08 PM  
**To:** Bunker, Kelly [Bunker.Kelly@epa.gov]  
**Subject:** FW: New Civil Judicial Litigation and Potential Litigation

Hi Kelly,

Thanks for the response. See Kendall's reply below.

Thanks,  
Peter

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**From:** Moore, Kendall  
**Sent:** Wednesday, December 19, 2018 8:23 AM  
**To:** Ramanauskas, Peter <ramanauskas.peter@epa.gov>; Peachey, Robert <peachey.robert@epa.gov>  
**Subject:** Re: New Civil Judicial Litigation and Potential Litigation

I'm curious to know what exactly was the violation and why company felt this was something they should challenge.

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**From:** Ramanauskas, Peter  
**Sent:** Wednesday, December 19, 2018 7:31:49 AM  
**To:** Moore, Kendall; Peachey, Robert  
**Subject:** FW: New Civil Judicial Litigation and Potential Litigation

Kendall/Bob,

Please see R3's reply below and let me know what else you might want to ask of them.

Thanks,  
Peter

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**From:** Bunker, Kelly  
**Sent:** Tuesday, December 18, 2018 1:35 PM  
**To:** Ramanauskas, Peter <ramanauskas.peter@epa.gov>  
**Subject:** RE: New Civil Judicial Litigation and Potential Litigation

Hi Peter – The topic at the PCB Manager's Call was regarding PCBs in soils and whether they are excluded **product**. This petition was not discussed at the PCB Manager's call and is regarding a NON issued regarding use of soils. The two matters are connected but different issues. Could you please be more specific on what your questions are on this petition so that we can determine who you should be speaking to in the region. Thank you

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**From:** Ramanauskas, Peter  
**Sent:** Monday, December 17, 2018 11:11 AM  
**To:** Bunker, Kelly <Bunker.Kelly@epa.gov>  
**Subject:** FW: New Civil Judicial Litigation and Potential Litigation

Hi Kelly,

Our TSCA enforcement folks would be interested in hearing more about R3's experience with the first bulleted item below. I know this was a topic on the last PCB Manager's call, but I wasn't able to sit in on that. Would you and/or others from R3 be willing to hop on a call with our folks to discuss? Didn't know if this was potentially up for further discussion on a monthly PCB Tech Call maybe.

Thanks,  
Peter

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**From:** Frey, Bert  
**Sent:** Friday, December 14, 2018 8:37 AM  
**To:** R5 ORC ALL ATTORNEY <[R5\\_ORC\\_ALL\\_ATTORNEY@epa.gov](mailto:R5_ORC_ALL_ATTORNEY@epa.gov)>  
**Subject:** New Civil Judicial Litigation and Potential Litigation

- *Hazelton Creek Properties v. EPA*, No. 18-3665 (3d Cir.). New Litigation: On December 5, 2018, Hazelton Creek Properties, located in Moosic, PA, filed a petition for review under TSCA section 19(a) in the US Court of Appeals for the Third Circuit challenging a Notice of Noncompliance (NON) issued by EPA Region 3. The NON asserts that placement of PCB materials on the site property at levels over 2 ppm, in compliance with a Pennsylvania State permit and Pennsylvania policy, constitutes a violation of the EPA TSCA PCB regulations, and cautions that further receipt by the company of such materials may result in EPA enforcement. The Notice states that "No corrective action is necessary by your company at this time".

**Attorney Work Product / Ex. 5**